

**STATE OF MARYLAND  
JUDICIARY**

**Policy on Reinstatement**

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**I. PURPOSE**

To establish a uniform policy for the reinstatement to previously held positions for those individuals who successfully completed probation and who left employment with the State of Maryland in good standing.

**II. DEFINITIONS**

**A. Administrative Official**

1. The Clerk of Court for the Court in which the employee works;
2. The Administrative Clerk of the District Court for the District in which the employee works;
3. The director of the respective department or office within the Courts of Appeal, the Administrative Office of the Courts, the District Court Headquarters, or the Court-Related Agency in which the employee works.

**B. Regular Employee** – Any person holding a position funded under an approved budget and having an assigned Position Identification Number (PIN), not including contractual and temporary positions, and those held by Judges, Masters, and Law Clerks.

**C. Reinstatement** – The re-employment within three years of an individual who separated in good standing from employment with the State of Maryland and the restoration of certain salary and leave benefits.

**D. Reinstatement Leave Credit** – Credit for prior service in calculating annual leave earnings rate; and the restoration of unused sick leave credits to employees who are reinstated within three years.

**III. SCOPE**

This policy applies to all regular employees, Judges, Masters, and Law Clerks of the State of Maryland Judiciary. The administration of the policy is the responsibility of all Judiciary administrators, managers and supervisors

responsible for the management or supervision of Judiciary personnel.

#### **IV. INDIVIDUALS ELIGIBLE FOR REINSTATEMENT**

An individual who separated from employment with the State of Maryland in good standing and seeks re-employment within a three year period, which includes:

- An individual who has been laid off from the State of Maryland;
- An individual whose position has been abolished;
- An individual who is on an approved leave of absence and who applies to be reinstated before the expiration of the leave of absence;
- An eligible veteran returning from active military service who seeks re-employment with the Judiciary (See Section VI.).

#### **V. GENERAL**

An individual eligible for reinstatement may be considered for future job vacancies in any of his or her former job classifications. If selected, the individual shall receive a salary grade and salary step in accordance with Section VII of this policy. This individual will also receive reinstatement leave credits.

An individual eligible for reinstatement who is hired into a classification other than a former classification shall receive reinstatement leave credits in accordance with this policy.

An individual may be reinstated to a position only if he or she meets the minimum qualifications for the position as established by the Judiciary Human Resources Department.

#### **VI. REINSTATEMENT FROM ACTIVE MILITARY SERVICE**

An Administrative Official shall reinstate an employee returning from active military service in accordance with all applicable federal and state laws pertaining to the re-employment of veterans.

#### **VII. PAY PRACTICES**

##### **A. Reinstatement to Same Classification – Entry Salary Determination**

1. The salary grade of an employee who is reinstated into the job classification held at the time of separation is the salary grade currently assigned to that job classification.
2. The salary step of an employee reinstated prior to the next salary

step date will be the same as the former salary step.

3. The salary step of an employee reinstated after the next salary step date will be the next salary step if the employee had six or more months of service at the former salary step.
4. The salary step of an employee who is reinstated after the next salary step date will be the same as the former salary step if the employee had less than six months service at the former salary step.

**B. Reinstatement to a Different Classification**

1. When an employee is reinstated to a previous classification but not in the one held at the time of separation, the employee's salary shall be determined as follows:
  - (a) The salary grade will be the salary grade currently assigned to that classification;
  - (b) The salary step will be the greater of the salary step held at the time of separation or the salary step held in the previous classification;
2. When an employee is reinstated to a classification not previously held, the employee's salary shall be determined as follows:
  - (a) The salary grade is the salary grade currently assigned to that classification;
  - (b) The salary step will be determined in accordance with the Judiciary's employment and hiring procedures.
3. An employee who is reinstated to an executive service position ("S" salary scale, flat scale, or grades T18 or T19) may be placed at any step up to and including the maximum step of the salary grade, if approved by the Chief Judge of the Court of Appeals, the Chief Judge of the District Court, or the State Court Administrator, whomever is appropriate, or his/her designee.

**VIII. INTERPRETIVE AUTHORITY**

The Judiciary Human Resources Department, in consultation with other parties as appropriate, is responsible for the interpretation of this policy.